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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/624,320
Filing Date: July 22, 2003
Appellant(s): ATCHISON, CHARLES

D. Scott Moore
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/2/2007 appealing from the Office action

mailed 6/14/2006.

(1) Real Party in Interest

A statement identifying by name the real part in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

An appeal conference was held and led to a conclusion that the 35 U.S.C. 101

rejections should be withdrawn. Therefore, the 35 U.S.C. 101 rejections are withdrawn.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 2003/0110191	HANDSAKER ET AL.	6-2003
6,359,892	SZLAM	3-2002
6,366,915	RUBERT ET AL.	4-2002
6,944,614	RAMASAMY ET AL.	9-2005

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

9a. Claims 1-3, 5, 8-11, 13, 16-19, 21, and 24 are rejected under 35 U.S.C.

103(a) as being unpatentable over Handsaker (Pub. No. 2003/0110191) in view of

Szlam (U.S. Patent 6,359,892).

As to claim 1, Handsaker teaches the claimed subject matter including:

Defining a plurality of query criteria (fig. 5, #505, #515);

Querying an employee database (e.g., para. 0118, 0108, 0076, table 1) by

applying respective query criteria to respective employees (e.g., the four employees in

Harvey Mackey's team in 2002, as seen in fig. 5, #512 are in response to applying

query criteria #505 and #515);

Handsaker does not expressly teach providing a plurality of folders, the

respective folders corresponding to respective search criteria.

However, Handsaker teaches using a pull-down menu with options

corresponding to respective search criteria, as seen in fig. 5, #505, #515. Szlam

teaches using either a folder or a pull-down menu to accomplish a task (col. 11, ll. 37-

49, fig. 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Handsaker with the above teachings, such that

the user interface of fig. 5 of Handsaker uses folders instead of pull-down menus, thus

providing folders corresponding to the search criteria. The motivation would have been

to increase user-friendliness, since a user may prefer a folder interface to a pull-down

menu interface.

Handsaker further teaches creating a plurality of workbooks (para. 0118).

According to Handsaker, in response to changing parameter values, a concrete

workbook is instantiated and rendered. Therefore, a plurality of workbooks is created.

The workbooks contain query results for respective folders (e.g., the workbook in fig. 5

contains the result for year 2002 and employee Mackey Harvey, and the limitation of

folders is addressed above). Furthermore, the workbooks are associated with

respective employees (see fig. 5, #512), having results for respective query criteria (fig.

5, #505, #515), corresponding to respective folders, the limitation of folders addressed

above with respect to the combination with Szlam.

As to claim 2, Handsaker teaches associating a first time period (fig. 5, "year

2002") with the query criteria, and creating respective first worksheets (fig. 5, graph

#510 or table #512) in respective workbooks (para. 0115, para. 0118) containing results

from querying the employee database (fig. 5) for respective search criteria for the first

time period ("year 2002").

As to claim 3, Handsaker and Szlam do not expressly teach associating a

second time period with the query criteria, and creating respective second worksheets

in the workbooks containing results from querying for the second time period.

However, Handsaker teaches associating a first time period (fig. 5, "year 2002"),

and creating worksheets in respective workbooks containing query results for the first

time period, as addressed above.

Additionally, the examiner takes official notice that at the time the invention was

made, it was conventional to specify a plurality of time periods, such as year, month,

and day.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Handsaker and Szlam with the above teachings,

such that a second time period can be specified, and worksheets for the respective

workbooks would be created for the first, as well as second time period (e.g., year 2002,

month of January). The motivation would have been to allow the user to view different

periods within a selected year, thus increasing convenience and user-friendliness.

As to claim 5, Handsaker teaches receiving user input selecting one of the

plurality of query criteria (fig. 5, left side), querying the employee database by applying

the selected criterion to respective employees (e.g., para. 0118, 0108, 0076, table 1,

and the four employees, fig. 5, #512 are in response to query criteria #505 and #515),

and storing results from querying the employee database by applying the selected

criterion in the respective workbooks for respective employees (para. 0118, 0115, 0108,

0076, fig. 5).

As to claim 8, Handsaker teaches wherein the plurality of query criteria

comprises a plurality of employee performance criteria (fig. 5, commission period, and

commissioned employee).

Claims 9-11, 13, 16-19, 21, and 24 are drawn to a system or computer program

product claiming the same invention as method claims 1-3, 5, and 8. Therefore, claims

9-11, 13, 16-19, 21, and 24 are rejected based upon the same reasoning as stated

above in the rejection of claims 1-3, 5, and 8.

9b. Claims 4, 12, and 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Handsaker (Pub. No. 2003/0110191) in view of Szlam (U.S.

Patent 6,359,892) further in view of Rubert et al (U.S. Patent 6,366,915).

As to claim 4, Handsaker and Szlam do not expressly teach automatically

performing querying the employee database and creating the plurality of workbooks at a

scheduled time.

However, Rubert teaches, in an employee database-searching environment, automatically querying a database at a scheduled time (fig. 4, #427, col. 12, ll. 35-45). Handsaker teaches querying a database and creating workbooks, as discussed above.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Handsaker and Szlam with the above teachings, such that the query and creating of workbooks can be automatically performed at a scheduled time. The motivation would have been to adapt to the user's requirements, or to facilitate scheduling on busy servers, as taught by Rubert (col. 6, ll. 24-38).

Claims 12 and 20 are drawn to a system or computer program product claiming the same invention as method claim 4. Therefore, claims 12 and 20 are rejected based upon the same reasoning as stated above in the rejection of claim 4.

9c. Claims 6-7, 14-15, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Handsaker (Pub. No. 2003/0110191) in view of Szlam (U.S. Patent 6,359,892) further in view of Ramasamy et al (U.S. Patent 6,944,614).

As to claim 6, Handsaker and Szlam do not expressly teach creating a log file containing a plurality of status indicators for respective query criteria.

However, Ramasamy teaches a log file containing status indicators for a query, such as query ID, and start and stop time for each query operator (col. 8, ll. 9-29). Operators (fig. 6) include query criteria (e.g., fig. 6, #604, col. 7, ll. 22-32, selecting a particular emp. name). Handsaker teaches query criteria for a query, as discussed above.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Handsaker and Szlam with the above teachings, such that a log file is created to log the execution of the query. The motivation would have been to facilitate later analysis, as taught by Ramasamy (col. 8, ll. 11-15).

Claims 14 and 22 are drawn to a system or computer program product claiming the same invention as method claim 6. Therefore, claims 14 and 22 are rejected based upon the same reasoning as stated above in the rejection of claim 6.

As to claim 7, Ramasamy teaches a query start and stop time, met by the start and stop times of the query operators (col. 8, ll. 9-29).

Handsaker, Ramasamy and Szlam do not expressly teach a number of employees for which the query is applicable.

However, Ramasamy teaches that a status indicator includes an operator's processing tuple count (col. 8, l. 24). A tuple count for an operator corresponds to a number of applicable records (a number of records that the operator processes). Handsaker teaches applying a query to employees, as discussed above.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Handsaker, Ramasamy and Szlam with the above teachings, such that the log file stores a number of employees (records) for which the query is applicable. The motivation would have been to further facilitate later analysis, as taught by Ramasamy (col. 8, ll. 11-15).

Claims 15 and 23 are drawn to a system or computer program product claiming the same invention as method claim 7. Therefore, claims 15 and 23 are rejected based upon the same reasoning as stated above in the rejection of claim 7.

(10) Response to Argument

10a. "Claims 9-16 are directed to Statutory Subject Matter"

An appeal conference was held and led to a conclusion that the 35 U.S.C. 101 rejections should be withdrawn. Therefore, the 35 U.S.C. 101 rejections are withdrawn.

10b. "Claims 1, 9, and 17 are Patentable"

i. "Appellant cannot find any disclosure in Handsaker that describes the generation of workbooks that contain the results of a query operation of an employee database" (Appeal Brief, p. 8, ll. 6-8).

The examiner respectfully disagrees. The "generation of workbooks" is clearly disclosed in Handsaker (para. 0118). On the last two lines, Handsaker states, "the concrete workbook is then instantiated and rendered using the changed parameter values." Rendering the workbook reads on the claim terminology of "creating (generating) a workbook" because rendering the workbook creates the workbook for display (fig. 5, right side). The changed parameter values reads on the claim terminology of "query operation" because the parameter values specify query criteria such as an employee name and year of interest (para. 0118, ll. 2-4, 9-13, fig. 5, left side).

It should be noted that a "concrete workbook" (para. 0118, l. 12) is instantiated and rendered in response to changing input parameter values (para. 0118, last 10 lines). In other words, the "concrete workbook" (also described in Handsaker as a "concrete parameterized workbook" 105) processes input parameters and then creates

<u>a resulting rendered workbook</u> based on the parameters. See e.g., para. 0001 and 0050 and figs. 1, 2, and 5. Therefore, the rendered concrete workbook (fig. 5, right side) meets the claim limitation of "creating workbooks that contain the results of a query operation of an employee database" for the above reasons.

The examiner recognizes that the claim language does not require creation of workbooks that are not based on pre-existing workbooks.

ii. "Rather than being a query of an employee database, the query shown in Fig. 5 of Handsaker is actually a query of a virtual workbook" (Appeal Brief, p. 8, ll. 11-13).

The examiner respectfully disagrees. The virtual workbook accepts query parameters (such as an <u>employee's name</u> and a <u>period of interest</u>) and selects a concrete workbook to render (fig. 5, note the various employee statistics on the right pane) using the specified query parameters (para. 0115, fig. 2 and para. 0118 discussed above). The concrete workbook is associated with employee data (para. 0050, 0118). Therefore, the virtual workbook is an employee database and Handsaker teaches querying an employee database.

The examiner further recognizes that the claim language does not require a particular stricture of an employee database.

iii. "Appellant submits that the Final Action fails to recognize the distinction recited in the independent claims that a database query is performed first and then workbooks are created that store the results of the database query. Handsaker, by

contrast, describes querying workbooks that have previously been created" (Appeal

Brief, p. 8, ll. 15-17).

The examiner respectfully disagrees. As explained above, it is clear that the

database query is performed first, and then workbooks are created to store the results

of the database query (para. 115, 118, fig. 5). The claim language does not require

creation of workbooks that are not based on pre-existing workbooks.

iv. "Even if Handsaker and Szlam were to be combined, their teachings do not

disclose or suggest providing folders corresponding to respective ones of the plurality of

query criteria as Handsaker merely describes a browser that can be used to query a

workbook as discussed above and does not provide any teaching with respect to

reserving storage locations for query criteria. Moreover, Appellant submits that there

would be no motivation to combine the teachings of Handsaker and Szlam because

Handsaker contains no disclosure therein about the desirability of organizing the

workbooks in separate locations...the Final Action gains its alleged suggestion to

combine by hindsight reasoning informed by Applicant's disclosure" (Appeal Brief, p. 8,

ll. 20-27).

The Examiner respectfully disagrees. Szlam was used to show an alternate user

interface design (i.e., folders, fig. 3) and, because folders and pull down menus can

both be used to perform the same function (col. 11, ll. 39-41), Szlam could be combined

with Handsaker to provide folders.

Since Handsaker provides pull-down menus corresponding to query criteria (name and year, fig. 5), it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a folder interface containing the same information seen in the pull down menus. The motivation would have been to provide an alternative user interface for the query criteria. Furthermore, the use of folders and pull-down menus was known to one of ordinary skill in the art at the time the invention was made, and the motivation to combine can come from the knowledge generally available to one of ordinary skill in the art.

Therefore, any hindsight reasoning used in the above combination is permissible.

It is further noted that "reserving storage locations for query criteria" is not claimed and will not be further addressed by the Examiner at this time.

*   *   *

For the above reasons, the rejection of claims 1, 9, and 17 as being unpatentable over Handsaker in view of Szlam should be sustained.

The arguments regarding the dependent claims 2-8, 10-16, and 18-24 depend on the arguments for the parent claims, addressed above, and present no further substantive arguments. Therefore, the rejection of these claims should also be sustained.

10c. "Claims 4, 12, and 20 are Patentable"

The arguments regarding claims 4, 12, and 20 depend on the arguments for the

parent claims, addressed above, and present no further substantive arguments.

Therefore, the rejection of these claims should be sustained.

10d. "Claims 6-7, 14-15, and 22-23 are Patentable"

The arguments regarding claims 6-7, 14-15, and 22-23 depend on the arguments

for the parent claims, addressed above, and present no further substantive arguments.

Therefore, the rejection of these claims should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the above 35 U.S.C. 103 rejections should be sustained.
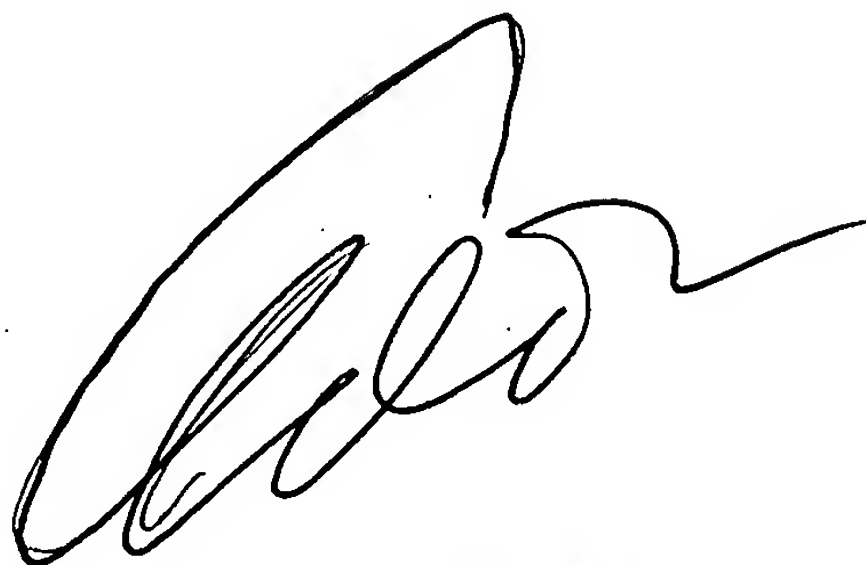
Respectfully submitted,

Charles E. Lu
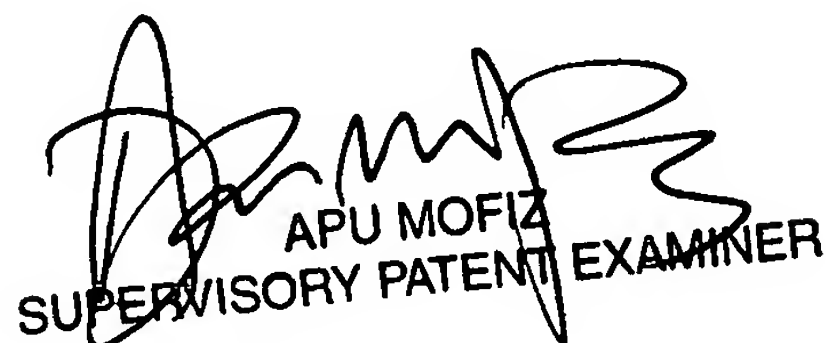Assistant Examiner
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